



# Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

COMMISSION ADJUDICATORY  
DOCKET NO. 566

## IN THE MATTER OF CASPER CHARLES SANZONE

### DISPOSITION AGREEMENT

This Disposition Agreement ("Agreement") is entered into between the State Ethics Commission ("Commission") and Casper Charles Sanzone ("Sanzone") pursuant to Section 5 of the Commission's **Enforcement Procedures**. This Agreement constitutes a consented to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, §4(j).

On April 9, 1997, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Sanzone. The Commission has concluded its inquiry and, on June 11, 1997, found reasonable cause to believe that Sanzone violated G.L. c. 268A.

The Commission and Sanzone now agree to the following findings of fact and conclusions of law:

1. Sanzone was, during the time here relevant, a guidance counselor at Monument Mountain Regional High School ("High School"). As such, Sanzone was a municipal employee as that term is defined in G.L. c. 268A, §1(g).
2. As part of his official High School guidance counselor responsibilities, Sanzone assisted in inputting course grades into the computer. Sanzone had access to course grades maintained in the school computer and could make authorized grade changes.
3. Sanzone has a daughter ("Sanzone's daughter"<sup>1/</sup>) who attends the High School. Sanzone's daughter is a member of the class of 1998. In the summer of 1996, Sanzone's daughter was in a competitive position for valedictorian.<sup>2/</sup>
4. In 1996, Sanzone anticipated that in the future he would contribute financially toward the cost of his daughter's college education.
5. In the summer of 1996, an out-of-state student transferred to the High School junior class (class of 1998) beginning in fall 1996 ("the transfer student").<sup>3/</sup> The transfer student's grades and other transfer materials were sent to Sanzone for processing in his capacity as a High School guidance counselor.
6. As part of processing the transfer student's records, Sanzone read the transfer student's grades to the guidance counselor secretary for input into the computer.<sup>4/</sup> Instead of reading the correct numeric grades, however, Sanzone intentionally lowered several of the grades of the transfer student, thereby effectively lowering the transfer student's cumulative average and class rank.<sup>5/</sup>
7. Immediately thereafter, Sanzone went to his guidance department private office. Sanzone logged onto the computer using his official access code and then raised some of his daughter's grades.<sup>6/</sup>
8. Had Sanzone accurately read the transfer student's grades to the guidance secretary who recorded

them and not raised his daughter's grades, the transfer student would have been ranked first in the class and his daughter would have ranked third in the class of 1998. As a result of Sanzone's lowering the transfer student's grades and raising his daughter's grades, his daughter advanced to first place and the transfer student was lowered to third place in class rank.

9. The High School valedictorian automatically becomes eligible for certain scholarships,<sup>7/</sup> is eligible to apply for certain other scholarships reserved for high ranking graduates<sup>8/</sup> and is in a more advantageous position than other graduates to receive additional scholarships and admission to competitive colleges and universities. Additionally, the valedictorian status has intangible value due to the prestige accompanying the honor and the distinction of being the High School graduation speaker.

10. The grades of both the transfer student and Sanzone's daughter have since been corrected and the class rank of the class of 1998 recalculated.

11. On April 3, 1997, Sanzone resigned from his High School guidance counselor position.

12. Section 23(b)(2) G.L. c. 268A prohibits a municipal employee from knowingly or with reason to know using or attempting to use his position to obtain for himself or others an unwarranted privilege of substantial value which is not properly available to similarly situated individuals.

13. Sanzone used his position as guidance counselor to incorrectly enter the transfer student's grades and to gain access to his daughter's computerized grades, which he then raised.

14. This use of position gained for his daughter the unwarranted privilege of having a class rank which she had not earned.

15. As indicated above, her class rank was of substantial tangible and intangible value in that it enhanced his daughter's chances for scholarships, acceptance into certain colleges and universities, and position for valedictorian.

16. The privilege which Sanzone obtained for his daughter was not available to "similarly situated individuals."

17. Thus, by lowering the transfer student's grades and raising his daughter's grades, Sanzone knowingly used his guidance counselor position to obtain an unwarranted privilege of substantial value not properly available to other similarly situated individuals in violation of §23(b)(2).<sup>9/10</sup>

In view of the foregoing violations of G.L. c. 268A by Sanzone, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Sanzone:

(1) that Sanzone pay to the Commission the sum of two thousand dollars (\$2,000)<sup>11/</sup> as a civil penalty for the violations of G.L. c. 268A, §23(b)(2); and

(2) that Sanzone waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: June 24, 1997

<sup>1/</sup>Sanzone's daughter is not identified by name because she is a minor.

<sup>2/</sup>The valedictorian is the first student by class rank.

<sup>3/</sup>The transfer student is not identified by name because she is a minor.

<sup>4</sup>The transfer student's courses and grades were comparable to those at the High School, therefore, no mathematical adjustments were necessary.

<sup>5</sup>The exact grades remain confidential to protect the privacy of the transfer student.

<sup>6</sup>There is no evidence that the daughter was aware of the grade changes.

<sup>7</sup>Certain local scholarships are awarded by community groups based solely on a graduate's class rank.

<sup>8</sup>For example, the University of Massachusetts offers the "University Scholars Program" which allows the top two ranking students at every high school in the state to receive an \$8,000 scholarship if they choose to attend the state university. This scholarship is renewable annually for four years as long as the student maintains a 3.0 grade point average and takes at least 12 credits per semester.

<sup>9</sup>There were additional grade changing allegations made against Sanzone. The Commission has investigated these matters. Due to the statute of limitations restrictions imposed by 930 CMR 1.02(10), the Commission is unable to pursue these charges. Sanzone does not admit changing grades other than those mentioned above.

<sup>10</sup> Sanzone's actions with respect to his daughter's grades also raise concerns under §§19 and 23(b)(3) of G.L.c. 268A. Section 19 of G.L. c. 268A prohibits a municipal employee from participating as such an employee in a particular matter in which to his knowledge he or an immediate family member has a financial interest. General Laws, c. 268A, §23(b)(3) prohibits a municipal employee from acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

The Commission decided to resolve this matter solely as a §23(b)(2) violation in order to emphasize that abuse of public position for private gain is an unwarranted privilege and is prohibited by the conflict of interest law.

<sup>11</sup>The Commission is empowered to impose a fine of up to \$2,000 for each violation of the conflict of interest law. The size of the fine in this disposition agreement reflects the seriousness of the conduct and that the action was intentional and adversely affected innocent third parties.